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Dated February 4, 2005

Signature.

(Jacks G. Weintraub, M.S.)

Docket No.: NCI-006DV2

(PATENT)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the application of: Weaver et al.

Application No.: 09/932,676

Filed: August 16, 2001

For: Anti-Epileptogenic Agents

Attorney Docket No.: NCI-006DV2

Group Art Unit: 1624 FEB 1 0 2005

Examiner: Rao, Deepak R

### RESPONSE TO FINAL OFFICE ACTION

Via Facsimile
MS After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

#### INTRODUCTORY COMMENTS

In response to the final Office Action (Paper No.13) mailed from the U.S. Patent and Trademark Office on January 14, 2004 in the above-referenced patent application, Applicants provide the following remarks/arguments

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

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### FAX TRANSMISSION DATE: February 4, 2005 PTO IDENTIFIER: IFIER: Application Number Ga/839676-Conf. #5547 Patent Number Donald F. WEAVER et al. US Patent and Trademark Office MESSAGE TO: FAX NUMBER: (971) ≥75-8200 PROM: LAHIVE & COCKFIELD, LLP Jacob G. Weintfall, M.S. PHONE: (417) 227-7400 Attemes but 4: MCI-oneDAs PAGES (Including Cover Speet): 14 Response to Final Office Action (10 pages) for Transmittal (1 pages in deplacate) Amendment Transmittal (1 pages) Complicate of Transmission (1 pages) If your receipt of this transmission is in error, please notify this it is anniculately by collect dall to sender at (6:7) 122-7500 and send the original transmission to us by return mail at the applicas policy. This transmission is intended for the sale use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exchapt from disclosure under applicable law. You are herepy notified that any dissentation of deplication of this framewastion by someone other than the intended addresses or its designated agent is strictly probabiled. LAHIVE & COCKFIELD, LLP 28 State Stroot, Abstach, Mastachusette 02109 Tolephone: (617) 227-7400 Pacelmile: (017) 742-4214

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PTO IDENTI	Patent Number					
Inventor:	Donald F. WEAVER, et al.					
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J	acob G. Weintraub, M.S.					
PHONE: (	617) <del>227-73</del> 00					
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Application No. (if known): 09/932676

Attorney Docket No.: NCI-006DV2

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8 collegion of information in the collegion of the collegion of information in the collegion of the collegion Under the Peperwork Reduction Act of 1985, no person are required to respond to a collection of information unless it displays a valid OMB control number Effective on 12/08/2004. Complete if Known Fees pursuent to the Conseticisted Appropriations Act, 2005 (H R. 4818). Application Number 09/932676-Conf. #5947 FEE TRANSMIT Filing Date August 16, 2001 For FY 2005 First Named Inventor Donald F. WEAVER Examiner Name D. R. Rao Applicant claims small entity status. See 37 CFR 1 27 Art Unit 1624 TOTAL AMOUNT OF PAYMENT 300.00 Attorney Docket No. NCI-006DV2 METHOD OF PAYMENT (check all that apply) Credit Card Check Money Order None Other (please identify) X Deposit Account Pepper Account Number 12-0080 \_\_ Deposit Account Mama, Lahive & Cockfield, LLP For the above-identified deposit account, the Director is hereby authorized to, (check all that apply) Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayment of Credit any overpayments fee(s) under 37 CFR 1.16 and 1.17 FEE CALCULATION 1. BASIC FILING, SEARCH, AND EXAMINATION FEES **FILING FEES** SEARCH FEES **EXAMINATION FEES** Small Endty Small Entity Small Entity **Application Type** Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fees Paid (5) Upility 300 150 500 250 200 100 Design 200 100 100 50 130 65 Plant 200 100 300 150 160 80 Reissur 300 150 500 250 600 300 Provisional 200 100 ٥ 0 2. EXCESS CLAIM FEES Small Entity Fee Description Fee (\$) Fee (\$) Each claim over 20 (including Reissues) 50 23 Each independent claim over 3 (including Reissues) 200 100 Multiple dependent claums 360 180 Total Claims Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims 50.00 = 6 300.00 Fog (\$) Fee Paid (\$) Indep. Clayins Extra Claims <u>Fee Paid (\$)</u> -3= 3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1 52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). Iotal Sneeps Estra Shoeta Number of each additional 50 or fraction mercof Fee Paid (\$) Fee (\$) - 100 = (round up to a whole flumber) x 4. OTHER FEE(\$) Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$) Other (e.g., late filing surcharge). SUBMITTED BY Signature Registration No 56,469 Тејерлапе (Attorney/Agent) (617) 227-7400 Jacob G. Weintraub, M.S. Name (PhiliType) Date February 4, 2005

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AMENDMENT TRANSMITTAL LETTER							Docket No NCI-006DV2	
Applicatio 09/932676-Co		Filing Date Examiner August 16, 2001 D. R. Rac			Art Unit 1624			
Applicants Donald F. WEAVER et al.								
Invention: ANTI-E	PILEPTOGEN	IIC AGENTS				•		
TO THE COMMISSIONER FOR PATENTS  Transmitted herewith is an amendment in the above-identified application.  The fee has been calculated and is transmitted as shown below.								
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	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	JED	Rate			
Total Claims	29	- 23 =	6	×	50		300.00	
Independent Claims	1	- 3 =		×				
Multiple Depende	ent Claims (che	eck if applicabl	e)					
Other fee (please								
TOTAL ADDITION	DNAL FEE FO	R THIS AME	NDMENT:			· · · · · · · · · · · · · · · · · · ·	300.00	
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hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273- 1300 at MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 26313-1420, or the date shown below.								
Dated February 4, 2005		gnature	<u> </u>			3. Weintraub.	M S.)	